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SUBJECT: Codel Chris Smith Discusses Human Rights, TIP with Senior Vietnamese Representatives

11. (SBU) Summary: Visiting Congressman (and vice-Chairman of the House International Relations Committee) Christopher Smith (R-NJ) met with two of Vietnam's most seasoned America experts, Vice Foreign Minister Le Van Bang and National Assemblywoman Madame Ton Nhu Thi Ninh in separate meetings. Congressman Smith engaged head-on with both on the issues of human rights, religious freedom, trafficking in persons, POW-MIAs, Vietnam's two-child per couple policy, and Vietnam's development. Bang and Ninh both asked Congressman Smith to consider Vietnam's political situation in the context of Vietnam's emergence from years of war and relatively recent openness to the world. Congressman Smith asked Bang and Ninh for aggressive steps to implement religious freedom laws and protect the human rights of Vietnam's citizens. It was in every way a frank exchange of views. Both Congressman Smith and the Ambassador raised specific human rights cases, including Nam Liem and an incident December 1 involving dissident Hoang Minh Chinh and an angry mob (reported septel). End Summary.

Trafficking in Persons

12. (SBU) Congressman Chris Smith (R-NJ) met Vice Foreign Minister Le Van Bang at the Ministry of Foreign Affairs December 2. Noting that this was his third visit to Vietnam since 1984, Congressman Smith praised the positive developments in bilateral relations and the successful visit of Prime Minister Phan Van Khai to Washington, and added that his own most important issues are human rights and humanitarian efforts. He advised VFM Bang that he is the author of the Trafficking Victims Protection Act that created the Trafficking in Persons Report, and urged Vietnam to do more to work with the United States to stop traffickers. Bang replied that Vietnam "totally supports" the United States position in condemning trafficking in persons and wants to address TIP as a "joint venture" with the United States. Vietnam takes TIP seriously and recognizes that it is impossible to combat TIP alone. "We need to cooperate with you, with Cambodia, China and Singapore, among others," he said. Congressman Smith noted that the United States continues to have concerns about the fate of the workers who were abused in the 1999 Kil Soo Lee/Daewoosa labor trafficking case. Bang replied that export labor is a fact of life in a country with high unemployment and a relatively low level of economic development like Vietnam. Vietnam's challenge is to learn to take advantage of the economic opportunities represented by labor export while not allowing Vietnamese laborers to be exploited, he stressed.

Religious Freedom

13. (SBU) Congressman Smith said he and others in the USG are glad that the GVN has faced the issue of forced renunciations of faith and religious freedom. Vietnam must now focus on implementation of the law at all levels, respecting the right of all Vietnamese to believe or not believe as they wish. Congressman Smith continued that, while he understands that religious persecution is not legal in Vietnam, there have been no instances of officials being punished or held accountable when they have violated Vietnamese laws and regulations protecting religious belief. Bang encouraged Congressman Smith to meet with as many citizens and religious leaders as possible to learn about the religious developments in Vietnam. "In the past, when this was a stricter society and a command economy, freedom of religion was a problem. Now, however, we have opened up and we recognize that belief is important and a fundamental freedom. This has been expressed in the ordinance on religion and in the decree implementing that ordinance." Local officials should, of course, follow the ordinance and the laws of Vietnam, Bang said. "On the whole, Vietnam's religious freedom environment has changed. One can go to churches, pagodas or religious schools. New places of worship and old ones that have been rehabilitated abound, and there are almost 20 million believers in Vietnam." Bang described a ceremony a few days before in which 57 new Catholic priests were ordained as an example of religious developments.

14. (SBU) Bang acknowledged that, at the local level, "people move more slowly." At the moment, he said, the GVN is working on a request to require local governments to report to the central government on their progress in implementing the ordinance and PM's instruction on religion. This exercise will demonstrate the central government's seriousness and will force local authorities to study the new legislation, he added. Congressman Smith commented that in Vietnam, leaders often say one thing while localities do another.

15. (SBU) Bang confessed that in Vietnam, there remain problems between religions that can undermine political stability. "We are working on accommodating the concerns you have raised, which is what explains the release of such figures as Nguyen Dan Que and Father Ly," he said. "But we have a problem with religions being exploited by politically unscrupulous individuals for negative ends, totally at odds with religious purposes." He said that Vietnam looks at the volatile situation in southern Thailand as an example of what happens when politics and religion mix and merge freely. Congressman Smith said that while the United States shares Vietnam's concerns about religions being used as a pretext for political violence, those who do that are a small minority of believers. "There is a place for people of faith to talk about politics and policy," Congressman Smith said, "and this is a way for the people in power to learn and for the government to improve." Differing policy opinions are not the problem, Bang responded. Political instability is a problem, which is one reason why the GVN has a policy of not using violence against people and crowds. Democracy in Vietnam is a "step-by-step process," he said.

Central Highlands

16. (SBU) Congressman Smith asked Bang if Vietnam would consider taking "bold steps" to reconcile with those who feel that they are at odds with the GVN, such as the ethnic minority populations of the Central Highlands. Bang said that the GVN has a policy of reconciliation and accommodation, which is what drives the GVN's willingness and desire to work with the USG to unify families from that region which have been split. "We don't want them to have to go to Cambodia or elsewhere for months and years before they can join family members in the United States, if there is a way we can help them go directly there," Bang explained.

Abortion and Family Planning

17. (SBU) Congressman Smith told VFM Bang he is deeply concerned about the prevalence of abortion in the world, but particularly Asia, where sex-selection abortions have resulted in huge imbalances in the numbers of boys and girls in India and China, among other places. Bang said Vietnam shares Congressman Smith's concern about this issue, noting that China's girl deficit has fueled trafficking of women from Vietnam to China for the purposes of marrying Chinese men who cannot find wives themselves. With 1.5 million new births a year, Vietnam's population pressures are intense, Bang continued, and Vietnam has no choice but to pursue serious measures to address population growth. Preventing abortions is a noble goal, Bang said; a far better solution than abortion is to provide the social and financial methods and resources to prevent unwanted pregnancies in the first place. With that in mind, the GVN has hopes that some of the effort and money being expended in Vietnam on HIV/AIDS prevention will bring access to contraception to vulnerable and poor rural areas that currently lack it. This will also have a beneficial impact on the health of women, Bang continued, because of the negative impact of multiple abortions on the long-term health of women. Vietnam wants very much to avoid the use of abortion while addressing real population growth problems, he concluded.

Other Issues

18. (SBU) Bang provided a rosy review of Vietnam's recent economic achievements, capped with the analysis that "people, and countries, are freer when they are economically and financially independent." Economic well-being for countries and individuals is "empowering," Bang said, and with that in mind, he hopes that Congressman Smith, with his well-documented concern for Vietnam's human rights situation, will be a strong supporter of Vietnam's bid for WTO entry and of Permanent Normal Trading Relations (PNTR) between Vietnam and the United States. Congressman Smith replied that religious freedom is also a concern when evaluating Vietnam's human rights record.

19. (SBU) Bang told Congressman Smith that Vietnam remains

"very worried" about developments in Asia and Southeast Asia. Sino-Japanese relations, he said, have deteriorated seriously, to the point where the countries are beginning to look like enemies. Vietnam, a much smaller and weaker country than Japan, could not possibly resist China more effectively than Japan can, he said. Southeast Asia as a whole is both changing and under pressure from "new sources and countries." This is driving ASEAN's and Vietnam's effort to develop and improve relations with "all other countries." With this in mind, Vietnam appreciates very highly President Bush's statement to ASEAN leaders made during the recent APEC Summit in South Korea. "Working closely with the United States is important for Vietnam, and ASEAN, to avoid the development of an imbalance in our international relations," Bang said. (Note: This is standard Le Van Bang code for encouraging us to match China's diplomatic and other overtures in the region. End Note.)

10. (SBU) "We hope to keep APEC growing," Bang said, "even though some countries want to shrink APEC in order to expand other organizations that are not as inclusive." He said Vietnam is watching the ASEAN+1 process closely, as is Indonesia, Singapore and the Philippines, to avoid any developments that could weaken ASEAN.

11. (SBU) Congressman Smith raised the issue of POW-MIA fullest possible accounting operations. He said Vietnam's cooperation on this issue has been "tremendous," but that more remains to be done, particularly in the areas of archival research and underwater recovery. Bang noted that Vietnam's commitment to working with the United States on this issue has never faltered, no matter what the state of bilateral relations, but that the United States should endeavor to "create the environment for continuing productive results."

Dissident Cases

12. (SBU) Congressman Smith expressed his concern that Vietnamese dissidents who spoke with the International Relations Committee or who were mentioned by the International Relations Committee have been sentenced to long prison terms. He mentioned in particular Father Ly (subsequently amnestied) and more recently, Hoa Hao activist Nam Liem, and requested Bang deliver a letter to PM Khai which included a list of prisoners of concern which should be freed.

13. (SBU) The Ambassador contributed his own concern about an incident involving mob intimidation of (and possible violence against) dissident Hoang Minh Chinh the day before (septel). That a mob was able to threaten, damage the property of, and commit violence against Chinh without the intervention of the police until much later sends a very strong negative signal, the Ambassador said, and would result in negative international attention to Vietnam's human rights record. He asked Bang to keep that in mind and encourage the GVN to ensure that those who committed violent acts were punished under the law. Bang said he did not know about the incident involving Chinh, but said that a similar incident where a vice minister accompanying Prime Minister Khai on his trip to the United States was assaulted and punched in the face on a Washington street was of GVN concern. Bang said he heard that the perpetrator in that incident would not face criminal charges, a result that would not be taken well in Vietnam. (Note: Bang's information is incorrect. This case is unresolved. End Note.)

Meeting with Madam Ninh

14. (SBU) Congressman Smith, accompanied by the Ambassador, subsequently met with Madam Ton Nu Thi Ninh, Vice Chairwoman of the National Assembly's Foreign Relations Committee. She was joined by Luong Phan Cu, Vice Chairman of the Social Affairs Committee. Congressman Smith opened by noting that, among his Republican and Democratic colleagues in Congress, the issue of religious freedom is an important one, and Congressman Smith recently chaired hearings on the situation in Vietnam. Although there has been progress, continued forced renunciations are an outrage. Changes in Vietnam's legal framework on religion, including the Prime Minister's February 2005 Instruction on Protestantism, give hope that forced renunciations will cease, but implementation of the Instruction and other laws is key. Law enforcement and other officials who violate Vietnam's laws need to be held accountable.

TIP: Round Two

15. (SBU) Another issue of concern is trafficking in persons (TIP), which is an area in which the United States and Vietnam need to work together more closely, Congressman

Smith continued. This is a worldwide crime in which organized criminal groups move quickly and succeed by buying off officials. The United States is committed to ending this modern-day slavery, and we try to provide shelter and give asylum to victims. The Congressman described the new trafficking legislation in which military activities such as peacekeeping operations are more closely scrutinized to ensure that trafficking and other crimes against women are prevented. The United States is prepared to work with the GVN and the National Assembly to end this international scourge, but one issue of concern is that the victims of the American Samoa Daewoosa case were never compensated as promised, the Congressman said.

16. (SBU) Madam Ninh described in familiar terms Vietnam's commitment to human rights for its people, adding that the term "human rights" is a new one for Vietnam. Fighting for independence from the French and granting universal suffrage were matters of fact, although no one at the time considered these to be human rights issues. At one point, developed societies like the United States and those in Western Europe concerned themselves with the rights of the majority, but now they are able to focus on the rights of minorities, both at home and in other countries. Vietnam's priorities are different, however, and that is a fact that the United States and others should respect, she said.

17. (SBU) For Vietnam, trafficking in persons is one price to pay for integrating into the world community, Madam Ninh continued. Although Vietnam will never backtrack on the course it has set for itself, it nonetheless needs to work harder to address the negative aspects of opening up. The GVN realizes that TIP is an important issue and has established an interagency mechanism, led by the Ministry of Public Security, to deal with it and cooperate with international organizations and non-governmental organizations, including American ones such as the Asia Foundation. Vietnam has taken note of its status as a Tier 2 country and has made efforts to increase public awareness of the issue and raise the awareness of lawmakers as well. Vietnam has also sought to cooperate with its neighbors and within ASEAN to address the problem of trafficked women and also to better educate women who would go to Taiwan as brides.

18. (SBU) "I recognize that more needs to be done, but the language in your bill (HR 3190, the Vietnam Human Rights Act of 2005) that implies that our Government officials are complicit in trafficking activities offends me," Madam Ninh said. There may be cases of corrupt policemen turning a blind eye to trafficking, but to imply that there is active cooperation is wrong. "More care needs to be taken in what language you use to describe the situation here," she urged.

19. (SBU) The United States would like to see more transparency on Vietnam's part, Congressman Smith said, in not only addressing trafficking but other issues, such as religious freedom. It is true that in western societies the majority does rule, but the United States has learned much from its experience with slavery and the period in which people were separate but unequal; focusing on the majority at the expense of the minority will not do. The problem of trafficking in persons is in indeed part of opening up to the world, and it has particularly become a problem since the breakup of the Soviet Union. Now, Russian gangs have been released on to the world and traffickers are looking to traffic Vietnamese women, Congressman Smith said.

"Abortion Only A Last Resort"

20. (SBU) The Congressman highlighted his commitment to defending the rights of unborn children, noting that this is the issue that initiated his commitment to human rights issues. In China and India, there is a huge problem of sex-selection abortions, and with 60 million girls in India and 100 million girls in China missing because of this, there will be a magnet effect for brides from Vietnam and elsewhere. Sex-selection abortion is a gender crime and a serious human rights problem, Congressman Smith underlined.

21. (SBU) Vietnam's Ministry of Health has issued an instruction whereby doctors cannot inform the parents of the sex of their unborn child, Madam Ninh observed. Although Vietnam's problem is not as severe as that of other countries, the Government is aware that there might be a tendency to abort girls and has taken steps to address this. In Vietnam, the right to abortion exists, but, from the point of view of women's health, the GVN does not look favorably upon careless abortion. Family planning is considered to be the preferred approach, with abortion as a "last resort," Madam Ninh explained.

The Broader Relationship

122. (SBU) Turning to the issue of religious freedom, Madam Ninh noted that she is aware of Congressman Smith's recent press statement on conditions in Vietnam, but disagrees with his observation that the situation is deteriorating. Clearly, both of them would have to agree to disagree on this matter, but hopefully the Congressman shared the view that, for the sake of the bilateral relationship, both sides should make efforts to narrow their differences. If the Congressman does not value the precious ties that the United States and Vietnam now enjoy, then meeting like this is a waste of time. The same would be true if Vietnam insisted on seeking information from the United States on certain aspects of Guantanamo Bay. In fact, Vietnam allows U.S. officials and representatives to visit certain "undesirable" individuals living in Vietnam. Explaining that she is agnostic, Madam Ninh said that she nonetheless respects the Congressman's views and beliefs and stressed that she can help to advance the bilateral relationship by being respectful, but candid.

123. (SBU) The bilateral relationship is very important to Vietnam and is important, at least symbolically, to the United States as well, Madam Ninh continued. There are many areas in which the two sides can cooperate, such as TIP, trade, security, HIV/AIDS and adoptions, to name a few. In the case of adoptions, the GVN's decision to reach an adoptions agreement with the United States was based on the recognition that certain Vietnamese children would be better off in the United States. Hopefully someday Vietnamese parents will be able to adopt these children, but, for now, Vietnam's policy sought to do what is best for the children, she stressed.

124. (SBU) The fact that, 30 years after the end of the war, the United States and Vietnam have been able to reach the point they are at today is remarkable, Madam Ninh underlined. This is a relationship worth nurturing, and there is room for cooperating and narrowing the two sides' differences, which is a sentiment Madam Ninh said she hopes Congressman Smith shares. The extent of the two sides' differences are not such that they cannot move forward together, and both have to accept a certain amount of accommodation for each other's differences and realities. For example, the United States has sought Vietnam's cooperation in the fullest possible accounting of those lost in the war, and of course Vietnam has reacted positively. In response, however, whenever the issue of Agent Orange is raised, why is it that the United States insists on falling back on the argument that the science is inadequate, Madam Ninh asked. Some sort of U.S. gesture to show its concern about Vietnam's losses would be welcome, Madam Ninh stressed.

125. (SBU) American veterans received compensation for Agent Orange, a cause that Congressman Smith himself championed, Madam Ninh observed. The United States should thus be in a position to acknowledge that those who have lived with dioxin for decades also have been harmed and deserve compensation. Congressman Smith responded that the first bill he worked on was on Agent Orange, and that the U.S. had stopped using the substance because of "presumptive disability". It will be important for the United States and Vietnam to cooperate with each other to understand the damage Agent Orange has caused from an environmental point of view. It is clear that dioxin does cause problems, but to research further into this requires bilateral cooperation. Explaining that his religious beliefs have led him to defend those who cannot defend themselves, Congressman Smith said that he similarly criticized the incidents involving Abu Ghraib and Guantanamo Bay. Human rights organizations such as Human Rights Watch and Amnesty International are very critical of the United States and what happened in these places, and those who were involved in these cases have been punished. Significantly, once the USG recognized that there was a problem, it took steps to fix it and ensure that it never happens again, Congressman Smith stressed.

Freedom of Religion Vs. National Unity

126. (SBU) Vietnam should take steps to allow faith-based groups to participate more actively in social and charitable activities, Congressman Smith urged. Madam Ninh responded that, in Hue, the Congressman's next stop, Catholics and Buddhists work together to care for people living with HIV/AIDS. Vietnam's Ordinance on Religion and Belief, which allows for a greater role for religious groups, went through "dozens of revisions" in the National Assembly, Madam Ninh said. Some have criticized that this law still seeks too much Government control of religion. However, in a society that is in flux, guidelines are necessary, otherwise it is too easy for officials and others to take arbitrary actions. U.S. laws have evolved over time, and there is no reason to doubt that this religion law will be revised as conditions in Vietnam change. The greatest challenge will be in how

the law is implemented and enforced, because some local officials are unaware of the law or reluctant to enforce it, Madam Ninh said.

127. (SBU) It seems that, within Vietnam's legal framework on religion, there is a line that, if crossed, will get someone arrested, Congressman Smith responded. If someone speaks out or speaks his or her mind, then there will be trouble. For example, Hoa Hao Buddhist Nam Liem submitted written testimony to a Congressman Smith-chaired Congressional hearing on Vietnam in June 2005, and Liem was arrested in September and sentenced to six years in prison. Vietnam's law also makes reference to "national unity." Diversity and a diversity of opinions should lead to unity. Why not let people have beliefs as they see fit, Congressman Smith asked.

128. (SBU) Noting that she will never be able to convince Congressman Smith, Madam Ninh responded that, for Vietnam, it is not an issue of faith but an issue of national security. National unity is not a slogan or an expedient. Vietnam has paid a high price to unify, and anything that will undermine its unity is not welcome. Vietnam wants to reconcile with overseas Vietnamese, particularly those in the United States. However, some of these groups and individuals have discovered their human rights and democracy vocations very recently. "I was in Saigon from 1973 to 1975. Where were many of these people? What were they doing then? They are only active now because they lost their country," Madam Ninh said. She concluded by urging Congressman Smith to seek to hear both sides of the story: "It offends us that you only listen to Human Rights Watch or other groups without hearing our side of the story, too," she said.

129. (SBU) Asked to comment, Vice Chairman Cu noted that, in drafting the new ordinance on religion, the National Assembly sought the opinions of all religious groups and stakeholders. Since its promulgation, these same groups have praised its implementation, but there are also areas for improvement. The National Assembly is working with relevant GVN agencies and counterparts in neighboring countries to combat TIP, with the goal of eventually eliminating it. The Social Affairs Committee is also committed to strengthening the reproductive health of women and encouraging family planning on a voluntary basis. Finally, the Committee is working to alleviate the suffering of victims of Agent Orange, Cu noted.

130. (U) Congressman Smith has cleared this message.

MARINE